

UNITED STATES OF AMERICA )  
 )  
 v. )  
 ) 1:23-CR-131-01 (TCB)(RDC)  
 )  
 BRITTANY HUDSON. )  
 )

NOW COMES DEFENDANT BRITTANY HUDSON, by and through the undersigned attorney, and moves this Honorable Court to strike pages of unnecessary surplusage contained with her indictment. In support of this motion Ms. Hudson shows as follows:

Brittany Hudson is charged in Count 1 with conspiracy to commit wire fraud upon Amazon, Inc. in violation of Title 18 USC §§ 1343 and 1349. Counts 2 through 14 charge substantive acts of the same wire fraud, alleging payments from Amazon to various bank accounts controlled by or associated with Ms. Hudson, in violation of 18 USC §§ 1343 and 2. Counts 15 through 20 charge Ms. Hudson with money laundering of the alleged Amazon fraud proceeds, in violation of 18 USC §§ 1957 and 2. Count 21 charges Ms. Hudson with conspiracy to commit wire fraud upon the CRU Franchising Company, LLC, (operating as

“CRU” and “CRU Hemp Lounge,”) in violation of 18 USC §§ 1343 and 1349.

Counts 22 and 23 charge substantive acts of wire fraud involving emails allegedly sent by Ms. Hudson to representatives of CRU, in violation of 18 USC §§ 1343 and 2. Count 24 does not charge Ms. Hudson. Count 25 charges Ms. Hudson with forgery of the signature of a federal judge [Chief Judge TIMOTHY C. BATTEN, SR.], and forgery of the seal of the court, in violation of 18 USC §§ 505 and 2. (Doc. 1, “Exhibit 1” hereto attached). Ms. Hudson has entered a plea of “not guilty” to all counts of the indictment. (Doc. 8-1).

2.

Count 1 contains four (4) pages of so-called “Background Material” and “Manner and Means” paragraphs. None of the allegations in paragraphs 2-17 are essential to the charging document. There is no reason for paragraph 18 to re-allege paragraphs 2-17. There is no reason for paragraph 21 to re-allege paragraphs 2-17. There is no reason for paragraph 23 to re-allege paragraphs 2-17. Count 21 contains three (3) pages of so-called “Background Material” and “Manner and Means” paragraphs. None of the allegations in paragraphs 25-33 are essential to the charging document.

3.

Federal Rule of Criminal Procedure 7(c)(1) requires the government to

draft an indictment which is a “plain, concise, and definite written statement of the essential facts constituting the offense charged.” *Id.* Rule 7(d) of the Federal Rules of Criminal Procedure, provides for striking surplusage from the indictment upon motion of the Defendant. The Advisory Committee Notes acknowledge that immaterial, irrelevant and prejudicial allegations may and should be removed. *Id.*

4.

Here, the surplusage is not relevant or essential to stating the charges, and the result of such surplusage is inflammatory and prejudicial. If this trend continues, soon the government will be copying verbatim entire ROI's, DEA 6's and FBI 302's into the indictment. Removal of such surplusage is appropriate. *United States v. Hasner*, 340 F.3d 1261, 1269 (11<sup>th</sup> Cir. 2003).

WHEREBY, BRITTANY HUDSON requests that the Government be directed to respond to this motion, and that paragraphs 2-17, and 25-33 be stricken

or redacted from her indictment.

Dated: This 21<sup>st</sup> day of June, 2023.

Respectfully submitted,

***s/ L. Burton Finlayson***  
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## **CERTIFICATE OF SERVICE**

This is to certify that I have this day served the foregoing motion by filing same in the CM / ECF filing system which will deliver a copy to all counsel of record including the following:

Mr. Stephen McClain, and  
Mr. Norman Barnett  
Assistant United States Attorneys  
600 United States Courthouse  
75 Ted Turner Drive, S. W.  
Atlanta, Georgia 30303.

DATED: This 21<sup>st</sup> day of June, 2023.

s/ L. Burton Finlayson  
L. BURTON FINLAYSON  
ATTORNEY FOR BRITTANY HUDSON  
State Bar Number: 261460